

Goodwins Mills

FIRE-RESCUE

PERSONNEL POLICY

Adopted November 30, 2011

TABLE OF CONTENTS

ARTICLE I: GENERAL PROVISIONS

1.1 Preamble	4
1.2 Purpose	4
1.3 Severability.....	4
1.4 Revision.....	4

ARTICLE II: EMPLOYMENT

2.1 Selection.....	5
2.2 Equal Employment Opportunity	5
2.3 Recruitment.....	6
2.4 Administration.....	6
2.5 Application	6
2.6 Tests.....	7
2.7 Scope.....	7
2.8 Probation Period.....	7
2.9 Evaluation	8
2.10 Employment Records	8

ARTICLE III: Employment Classifications

3.1 Full-Time Employment	9
3.2 Part-Time Employment	9
3.3 Per-Diem Employment.....	9
3.4 On-Call Employment	10

ARTICLE IV: POSITION DESCRIPTIONS

4.1 Position description	10
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ARTICLE V: WORK WEEK AND ATTENDANCE

5.1 Workweek	10
5.2 Wages	10
5.3 Overtime	11
5.4 Time Recording	11
5.5 Attendance Records	11
5.6 Snow Days/Extreme or Emergency Conditions	12

ARTICLE VI: EMPLOYMENT POLICIES AND PROCEDURES

6.1 Training	12
6.2 Licenses and Certification	13
6.3 Physical Fitness	13
6.4 Whistleblower Protection	13

ARTICLE VII: EMPLOYEE/ VOLUNTEER CONDUCT

7.1 Employee Conduct	13
7.2 Gratuities	13
7.3 Confidentiality Policy	14
7.4 Alcohol & Drug Use and Abuse	14
7.5 Driving Policy	15
7.6 Loss of License or Certification	15
7.7 Smoking	15
7.8 Dress Code	15
7.9 Harassment	16
7.10 Workplace Safety and Injury Reporting	17
7.11 Town Property	17
7.12 Solicitation	17

7.13 Political Activity	17
7.14 Internet Policy	18

ARTICLE VIII: EMPLOYEE DISCIPLINE AND GRIEVANCE PROCEDURES

8.1 Employee/Volunteer Discipline	18
8.2 Grievance Procedure.....	21
8.3 Notice of Resignation.....	22

ARTICLE IX: EARNED BENEFITS

9.1 Holidays.....	22
9.2 Vacation	23
9.3 Sick/Personal Days.....	23
9.4 Retirement Plan.....	24

ARTICLE X: INSURANCES

10.1 Hospital, Surgical and Major Medical Insurance.....	24
10.2 Dental Insurance	24
10.3 Income Protection	25

ARTICLE XI: OTHER BENEFITS

11.1 Workers Compensation.....	25
11.2 Social Security.....	25
11.3 Unemployment Compensation.....	25
11.4 Bereavement Leave	25
11.5 Jury Duty	25
11.6 Reimbursement of Expenses	26
11.7 Personal Leave.....	26
11.8 Family Medical Leave	26

The Towns specifically reserve the right to repeal, modify or amend policies as necessary. These policies are not to be interpreted as creating contractual rights with any employee. In addition, conflicting changes in local, state or federal laws take precedence over the contents of these personnel policies, whether or not those changes are expressly incorporated into the policy.

TOWNS OF LYMAN AND DAYTON
JOINT MUNICIPAL FIRE-RESCUE DEPARTMENT
PERSONNEL POLICY

ARTICLE I – GENERAL PROVISIONS

1.1 Preamble: By action of the Board of Selectmen of the Town of Lyman, Maine, and the Board of Selectmen of the Town of Dayton, Maine (the “Towns”), this Fire-Rescue Personnel Policy was voted into effect on November 30, 2011. This Fire-Rescue Personnel Policy is established as guidelines to assist in developing sound working relationships between the Towns and its personnel. Pursuant to interlocal agreement for Joint Operation and Management of Fire and Emergency Rescue Services between the Towns dated December 20, 2010, as was amended on November 30, 2011 (“Interlocal Agreement”), the Towns have established a Joint Fire-Rescue Department. The Interlocal Agreement also establishes a joint fire commission made up of representatives of each Town that will oversee many aspects of the Joint Fire Rescue Department (the “Fire Commission”). Initially, these fire-rescue personnel will be employees of the Town of Lyman for purposes of payroll and related functions, but personnel decisions will be made by the Fire Commission, the Fire Chief hired by the Selectmen of the Towns, and, in certain instances, the Selectmen of the Towns. Accordingly, this Personnel Policy represents the joint statement of policy by the Towns and except where the context clearly indicates otherwise, all references herein to Town shall mean and refer to the Town of Lyman and the Town of Dayton.

1.2 Purpose: The general purpose of this policy is to establish a system of personnel administration that meets the social, economic and program needs for the Town. This policy includes policies and procedures for employee hiring and advancement, fringe benefits, discipline and other related activities. Nothing contained herein constitutes a guarantee of continued employment or employment for a defined period.

1.3 Severability: If any provision of these policies or the application hereof to any person or circumstances is held invalid, this invalidity does not affect other provisions or applications of these policies which can be given effect without the invalid provision or application, and for this purpose the provisions of these policies are severable.

1.4 Revision: The Boards of Selectmen recognizes that it may be necessary to make adjustments in their policies from time to time in order that they accommodate the changes in year to year business conditions. It is therefore encouraged that each department head, chairman and/or members make note of any problems and bring them to the attention of the Fire Commission. The Boards of Selectmen shall make amendments as deemed necessary.

ARTICLE II – EMPLOYMENT

2.1 Selection: The selection and employment of all Joint Fire-Rescue Department personnel shall be governed by the Interlocal Agreement and the Joint Fire-Rescue Department's policies and procedures.

The Interlocal Agreement provides for the following selection and hiring procedures:

- **Fire Chief.** The Fire Commission shall recommend appointment of a Fire Chief to the municipal officers of the Towns of Lyman and Dayton, which bodies shall take action to appoint the Fire Chief.
- **Level I Employees.** The Fire Chief shall recommend the hiring of Level I Employees to the Fire Commission, which shall appoint all Level 1 Employees. Level 1 Employees include all Full-Time Employees, but only those Part-Time Employees, Per Diem Employees, or On-Call Employees who are so designated by the Fire Chief as a deputy chief, assistant chief or similar title and responsibility.
- **Level II Employees.** The Fire Chief shall hire all Level II Employees. Level II Employees include all Part-Time, Per-diem, or On-Call Employees not designated as deputy chief, assistant chief or similar title and responsibility.

The hiring and selection procedure during the transition of the Goodwins Mills Fire Department personnel to the Joint Fire-Rescue Department, shall be governed by the first amendment to the Interlocal Agreement, dated November 30, 2011.

Applicants must meet the requirements set forth in the Joint Fire-Rescue Department's policies and procedures, including without limitation, successful completion of the physical agility test, as applicable.

2.2 Equal Employment Opportunity: The Town is committed to providing equal employment opportunities for all persons making application to the Town, and equal treatment and advancement for its employees. The Town therefore sets forth a policy of nondiscrimination in hiring, employment and personnel actions. The Town is committed to the principal that each individual is entitled to equal employment opportunities without regard to religion, sex, age, marital status, race, color, ancestry, national origin, creed, political affiliation, veteran status, sexual preference, or physical or mental disability.

2.3 Recruitment: The character of the recruitment and selection process for all Town positions will vary contingent with the position. Within the limits of time during which a position must be filled, there shall be as wide a search for qualified candidates as is practical, this may include advertising, open competitive examination, contact with state and other employment offices and contact with special sources of information. In appropriate circumstances the Town reserves the right to hire from within, without externally posting the job vacancy. It shall be the duty of the Fire Commission and/or the Fire Chief, as applicable, to seek out the most desirable fire-rescue employees / volunteers for the Town. Town employees shall be given maximum opportunity for advancement in the service.

2.4 Administration: The Fire Commission, Fire Chief and the Board of Selectmen shall administer the policies and procedures herein as further detailed in the Interlocal Agreement. The Fire Chief and his/her designees are responsible for being familiar with these rules when establishing annual budget requests and supervising the Joint Fire-Rescue Department. The Fire Chief shall also:

- a) Encourage and exercise leadership in the development of sound personnel practices within the Joint Fire-Rescue Department;
- b) Establish and maintain, with the assistance of the Town Treasurer, records of all employees, setting forth as to each employee the title, status or pay, sick leave, vacation time and other relevant information;
- c) Foster and develop programs for the improvement of employee effectiveness, proper courtesy when dealing with the public, and respect for Town property; and
- d) Apply and carry out this policy and perform any act, which may be necessary or desirable to carry out the purposes and provisions of this policy.

- 2.5 Application:** All applicants must complete an Application for Employment and/or a resume for employment. Selection procedures will include, but not be limited to, a completed application, criminal and other background checks, proof of driver's license and reference checks. The Town relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any willful misrepresentations, falsifications, or material omissions in any of this information or data may result in the Town's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.
- 2.6 Tests:** The Town may, where appropriate, require applicants to submit to interviews, tests and examinations which may include, among other requirements, written tests, physical agility tests, physical and/or psychological examination(s) as permitted under state and federal law, when job-related.
- 2.7 Scope:** Except as otherwise noted, the rules and procedures set forth in this policy shall apply to all Joint Fire-Rescue Department employees.
- 2.8 Probation Period:** All new employees and every person promoted, or rehired to a position are considered probationary for the first six (6) months of employment. Pursuant to State law, probationary employees may be terminated without cause and without right to file a grievance. At least one (1) week before the end of the six (6) months probationary period, the Fire Chief, or if applicable, the Fire Commission shall evaluate the performance of the employee with the following results:
- Recommendation to the Fire Commission or the Selectmen to end the probationary period; or, if the employee's performance has not been acceptable or he or she is otherwise not qualified for the position, recommendation that the employee be terminated before the end of the six (6) month period.

For the purpose of figuring benefits, seniority, etc., the initial date of employment is considered the anniversary date of the individual's first day of work as a Town employee. All employee evaluations shall be retained in the employee's personnel file.

Probationary employees are not eligible to take vacation or personal time. Probationary employees accrue vacation and sick leave, but are not eligible to use vacation time until after their trial period is completed.

- 2.9 Evaluation:** Evaluations of the Fire Chief shall be conducted and prepared by the Fire Commission. All other employees shall be evaluated by the Fire Chief or his/her designee once an evaluation protocol is established by the Fire Chief and approved by the Fire Commission.

Evaluations will relate directly to the employee's position, work habits and job performance. Once a written evaluation has been completed, the employee and person charged with performing the evaluation will meet to discuss the evaluation. The employee's signature will be obtained, which acknowledges review and understanding of the evaluation and as proof of discussion and understanding, although they may not necessarily agree. Refusal to sign will be noted. Evaluations will remain on file.

An employee may prepare a written response to any item included in the evaluation. This response shall be submitted to the evaluator and attached to and become part of the evaluation. A copy of the complete evaluation will be provided for the employee and placed in his/her personnel file.

All newly hired employees may be evaluated at the completion of the initial probationary period and once each year thereafter. Probationary employees may be terminated without cause and without advance notice.

All employees serving either full-time or part-time employment will receive an evaluation yearly.

- 2.10 Employment records:** A record of each Town employee shall be kept in a secured area in the office of the Fire Chief, in accordance to state and federal guidelines. The record shall contain all vital statistics and other pertinent data of the employee, including hiring data, applications, resumes, references, signed job descriptions, Personnel Policy Employee Acknowledgement, probationary and other reviews, letters of commendation and recognition, copies of certifications, disciplinary actions, etc. Any medical information, as well as Worker's Compensation information is part of the employee personnel file, but because of the confidential nature of such information, such material is kept in a secure location separated from the employee file. Copies of personnel information that is required for payroll purposes shall be kept in the Town Treasurer's office.

- a) An employee may, with reasonable notice to the Fire Chief and at a convenient time, review his/her employment file during regular working hours.
- b) Employee files will be treated as confidential, to the extent permitted by law – e.g. "Right to Know" mandates. Employee information is available only to the Selectmen, Fire Commission and Fire Chief, as appropriate.

- c) The employee is responsible for notifying the Town of all changes of address and telephone numbers.
- d) The Fire Chief/Fire Commission/Town Treasurer shall ensure that each new employee completes the necessary administrative forms to commence employment. Employee files will be reviewed and updated as required on an annual basis.
- e) Destruction of files for employees that have left the employ of the Town shall occur according to state and federal guidelines.

ARTICLE III – EMPLOYMENT CLASSIFICATIONS

The Selectmen shall maintain an inventory of the positions in the Town service by classification. To aid in the determination of applicability of the Federal Fair Labor Standards Act (FLS) each position and/or title within the Town government shall be categorized into either exempt or non-exempt categories. Exempt or Non-Exempt refers to the applicability of the overtime provisions in the FLSA to the position.

It will be the responsibility of the Fire Commission and Fire Chief, as applicable, in conjunction with the preparation of the position descriptions, to determine exempt or non-exempt status.

Because the position and not the employee are classified, the qualities of the incumbent in the position shall not be considered.

The following types of employment may be made to the Town government service conformity with the rules established herein:

- 3.1 Full-Time Employment:** A full-time employee of the Joint Fire-Rescue Department works full time (a minimum of fifty-two (52) hours per week) and on a continuing, indefinite, and year-round basis. Such employees are subject to all applicable personnel policies and shall receive all benefits and rights provided herein.
- 3.2 Part-Time Employment:** A part-time employee of the Joint Fire-Rescue Department works less than fifty-two (52) hours per week but more than twenty-eight (28) hours a week on a continuing, indefinite and year-round basis. Such employees are subject to all applicable personnel policies. Part-time employees are not entitled to any fringe benefits except for those mandated by law.
- 3.3 Per Diem Employment:** A per diem employee works on a regular or irregular schedule throughout the year and does not fall into any of the other categories in this Section. Per-Diem employees are not entitled to any fringe benefits except for those mandated by law.

- 3.4 **On-Call Employment:** An on-call employee is hired to render firefighting services and/or emergency rescue services on an irregular basis and only in response to a specific call to service from the Joint Fire-Rescue Department. Periods of service normally involve only a few hours per incident. On-call employees are not entitled to any fringe benefits except for those mandated by law.

ARTICLE IV – POSITION DESCRIPTIONS

- 4.1 **Position Descriptions:** Job descriptions for each position in the Joint Fire-Rescue Department shall be developed by the Fire Chief and the Fire Commission and contain the following information:

- job title
- classification
- qualifications
- expected hours
- responsible to and evaluated by
- responsibilities
- duties
- testing and certification requirements

ARTICLE V – WORK WEEK AND ATTENDANCE

- 5.1 **Workweek:** The regular workweek for payroll purposes is fourteen (14) days, beginning Sunday and ending Saturday at midnight. Deviation from the approved workday hours for each position will need to be pre-approved by the Fire Commission or, in the case of the Fire Chief, the Board of Selectmen.
- 5.2 **Wages:** Rates of pay for employees of the Joint Fire-Rescue Department shall be set by the Fire Commission, which may consider the recommendations of the Fire Chief. Hourly, weekly and annual wages shall be based on position level attained and years of service and shall be set forth in writing.
- 5.3 **Overtime:**
- A. **Exempt Employees:** Exempt employees will not receive overtime pay, and are expected to work the number of hours required to perform the job.

B. Non-Exempt Employees: Any time worked by a non-exempt employee, who is an "employee in fire protection activities" for the purposes of the Fair Labor Standards Act, that is in the excess of fifty-three (53) hours in a workweek shall be compensated at an overtime pay rate of time and one-half (1 ½). This provision applies to non-exempt employees whether full-time or part-time, or per diem. It does not apply to on-call employees. For the purpose of computing overtime within any given week, only those hours spent on the job will be used to calculate overtime pay. Vacation, sick leave, bereavement leave, holiday, military/jury leave and all other leave will not be counted toward calculating overtime pay.

C. Prior Authorization: PRIOR APPROVAL OF THE FIRE CHIEF IS NECESSARY TO AUTHORIZE EMPLOYEE OVERTIME AND COMPENSATORY TIME.

Overtime shall be considered necessary only in critical situations where additional effort is needed to complete a task within a certain amount of time. Temporary adjustments (i.e. same workweek) in working hours or realignment of duties within the department shall be considered as alternatives to the use of overtime.

5.4 Time Recording: For purposes of public accountability, all employees, exempt or non-exempt, must record actual hours of work as well as paid or unpaid leave on their timesheets. Falsification of time records is a breach of Town policy and may result in dismissal. All employees are expected to arrive on time and work all hours specified for their particular job.

5.5 Attendance Records: Employees shall be at their respective places of work at the appointed starting time and remaining until the end of the scheduled workday. In the event of necessary absence due to illness or any other cause, it is the responsibility of the employees to see that the Fire Chief or Duty Officer is advised of the reason for absence prior to the start of the workday. If an absence continues beyond one day, the employee is responsible for reporting in each day. (Refer to the Medical Leave section for information on extended sick leave reporting requirements).

Similarly, if an employee is going to be unavoidably detained for some reason, he/she should telephone and let the Fire Chief or Duty Officer know when he/she expects to arrive.

Repeated lateness, unexcused absences, absences without authorization or failure to return to duty within 24 hours may be cause for discipline and/or discharge.

All employees will submit a completed timesheet and/or time card to the Fire Chief on a weekly basis in order to maintain the employee's personnel file as well as for payroll

purposes. After the Fire Chief checks and approves the hours worked, vacation, personal and/or sick time taken, he/she will initial the timesheet if hours noted are accurate and speak to the employee regarding any discrepancies and resolve the same. The Fire Chief will submit all timesheets, including his/her own, to the Town Treasurer, who will review the timesheets. The Treasurer will release appropriate compensation for the Selectmen's warrant.

Late timesheets will not be accepted and compensation will only be issued at the next warrant.

- 5.6 Snow Days/Extreme or Emergency Conditions:** All employees of the Joint Fire-Rescue Department are considered essential employees and, as such, when they are scheduled or otherwise obligated to work they are required to report to work despite emergency conditions or closure of other Town offices. All employees will notify the Fire Chief or his/her designee as soon as possible if they are unable to report to work because of emergency or extreme conditions.

ARTICLE VI – EMPLOYMENT POLICIES AND PROCEDURES

- 6.1 Training:** It is the policy of the Town to provide for educational training opportunities for its employees at a reasonable expense to the Town. This policy shall cover Job Related seminars and training sessions.

By definition 'job related' is intended to cover training which is designed to improve the quality of an individual's performance at his/her job or similar position which might reasonably be promoted into, and which will provide more efficient and/or economic service to the Town and its citizens.

Employees of the Joint Fire-Rescue Department may be required to attend trainings as determined and approved by the Fire Chief and in accordance with the Joint Fire-Rescue Department policies and procedures.

The employee is to make the request in writing and receive the Fire Chief's prior approval for all training classes and seminars.

- 6.2 Licenses and Certification:** Employees are required to hold and maintain a valid Maine driver's license and any other licenses and certifications that may be required to lawfully and competently perform the functions of the job as determined by the Fire Chief.

- 6.3 Physical Fitness:** Employees shall be required to submit annually to a comprehensive, job-related physical examination conducted by a medical professional chosen by the Town. The results of such examination must demonstrate that the employee is fit for duty in the Joint Fire-Rescue Department; provided, however that employees need only pass such an examination if, and to the extent that, such examination is related to their job functions. Employees may also be required to pass an annual physical agility test as set forth in the Joint Fire-Rescue Department policies and procedures and the Interlocal Agreement
- 6.4 Whistleblower Protection:** The Town strives to conduct its business with integrity and in strict compliance with applicable Federal, State and Local laws and regulations. Accordingly, employees/volunteers are encouraged to bring to the attention of the Board of Selectmen any actions of municipal officials or employees/volunteers that they believe may be improper or unsafe. The Town will not retaliate against any person who makes a report in good faith to the Board of Selectmen.

ARTICLE VII – EMPLOYEE / VOLUNTEER CONDUCT

Our taxpayers are entitled to the best service we can give them. Cooperation and teamwork by all employees/volunteers is essential to efficiency.

- 7.1 Employee Conduct:** All employees are expected and required to treat the public with promptness, patience, courtesy and respect. Employees are expected to conduct themselves at all times in a manner that will bring no discredit to their department or to the Town.
- 7.2 Gratuities:** A Town employee/volunteer is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or any other thing of monetary value from:
- any person who has or is seeking to obtain business with the Town; or
 - from any person within or outside Town employment whose interests may be affected by the employee's / volunteer's performance or non-performance of his/her official duties.

Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement or illness or food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials (e.g., pens, notepads, calendars), is permitted.

- 7.3 Confidentiality Policy:** During the course of their duties, employees of the Town have access to confidential information pertaining to persons or property in the Town. Employees are prohibited from disclosing or discussing any confidential or privileged information with anyone except as is required in the course of employment. Examples include, but are not limited to, labor relations or personnel actions.

Employees are expected to respect the confidential nature of such information and are charged with the responsibility of releasing only the information that is required under the "Right to Know" laws.

- 7.4 Alcohol & Drug Use and Abuse:** The Town is committed to providing a drug-free, healthful and safe work environment. The term 'drug(s)' also includes alcohol and prescription drugs when they are taken other than how they are prescribed. This policy applies during an employee's / volunteer's assigned work hours, the Town premises and while conducting business-related activities off Town premises.

Employees are required to report to work drug and alcohol free and free from the smell of alcohol. Job performance must be executed in a safe manner. The possession, sale, or use of alcohol or illegal drugs on the employer's premises is strictly prohibited. Those who violate this policy are subject to corrective discipline up to and including termination of employment.

Employees seeking assistance for their substance abuse issues will be reasonably supported so counseling appointments can be attended. Employees are accountable for their work performance whether they choose to participate in a substance abuse treatment program or not. Participation in a treatment program is voluntary and at the discretion of the employee.

The Town shall discipline or terminate an employee/volunteer who is impaired by alcohol and/or drugs or otherwise violates this policy or who exhibits on-going performance issues, to the extent permitted by law.

Employees who seek medical treatment may use their sick leave to attend a treatment program and may also be eligible for Family and Medical Leave Act or disability leave.

Employees must notify the Fire Chief and/or Fire Commission, as applicable, as soon as possible but no later than three (3) days after any conviction for a drug/alcohol related offense.

Pursuant to Public law 100-690 Title V, Subtitle D, the Town has established the following policy:

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Town's workplace. As a condition of employment with the Town, all employees will abide by the terms of the policy and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

The Town, within thirty (30) days of receiving notice, with respect to any employee who is so convicted, will take one of the following actions:

1. Taking appropriate personnel action against such an employee up to and including discharge; and/or
2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.

7.5 Driving Policy: Any employee, volunteer, official or other person who drives private vehicles on Town business, must have a valid driver's license and a satisfactory driving record. Any person hired for a position, which involves driving for Town business, shall have his/her license checked annually for active status.

7.6 Loss of License or Certification: If it is a requirement for an employee in a specific position to possess a valid driver's license and/or class of driver's license or certification, then it shall be a condition of employment for the employee to maintain such license and/or certification during his/her term of employment. Failure to do so may result in re-assignment to an alternative position or job loss. Employees who lose their license or fail to re-certify, as necessary, must immediately inform the Town of their new status.

7.7 Smoking: In accordance with the provisions of the Workplace Smoking Act of 1985, the Town has adopted a smoking policy. The Town supports a smoke free work environment. Smoking is not permitted inside ANY Town-owned buildings.

7.8 Dress code: The employees of the Town shall wear appropriate dress during work related hours.

7.9 Harassment: It is the policy of the Town that all of our employees have the right to work in an environment free of harassment and intimidation based on sex, race, color, national origin, religion, age, or physical or mental disability. Harassment in the workplace based on sex, race, color, national origin, religion, age, or physical or mental disability also constitutes illegal employment discrimination. The Town does not, and will not, tolerate such harassment and it is considered grounds for discipline up to and including termination.

Examples of harassment related to sex, race, color, national origin, religion, age or physical or mental disability include the following, which may be a series of incidents or a single occurrence based on any of the foregoing categories:

- Unwelcome advances, gestures, comments or contact;
- Threats;
- Offensive jokes;
- Subjecting employees to ridicule, slurs or derogatory action;
- Basing employment decisions or practices on submission to such harassment;
- Refusal to work with employees in work assignments;
- Inequitable disciplinary actions and work assignments

All complaints of harassment will be promptly and carefully investigated, and all employees are assured that they will be free from any and all reprisals or retaliation from filing such complaints. Any employee who has a complaint of harassment at work by anyone, including supervisors, co-workers, or visitors, should immediately bring the problem to the attention of the Fire Chief or Fire Commission, as applicable.

If the complaint involves supervisory personnel, or if the employee is uncomfortable with reporting the matter to his/her supervisor, the complaint should be brought to the attention of a Fire Commissioner or a Selectman.

The investigation of an allegation of harassment will include interviews with all relevant persons. Employees are assured that the identity of the complainant and the person accused of harassment will be kept confidential to the extent possible.

After the investigation is completed, the findings will be reviewed with the complainant. If the investigation reveals that the complaint appears to be valid, immediate and appropriate corrective action, up to and including discharge, will be taken to stop the harassment and prevent its recurrence. If the validity of the complaint cannot be determined, immediate and appropriate action will be taken to assure that all parties are reacquainted with this harassment policy and to avoid harassment in the future.

7.10 Workplace Safety and Injury Reporting: When an employee of the Town suffers an injury or accident in the course of employment, regardless of how insignificant the injury may appear, a report of the accident must be made immediately to the Fire Chief or the employee's supervisor. Such reports are necessary to comply with laws and initiate insurance and worker's compensation benefits procedures.

7.11 Town Property: Employees may not, directly or indirectly, use or allow the use of Town property of any kind for other than official activities. Certain nominal use of Town property may be permitted at the discretion of the Board of Selectmen so long as it does

not interfere with Town operations. All Town property issued to the employee, volunteer, such as keys, equipment, etc., shall be returned to the Town, in good repair, prior to the employee's / volunteer's last day. Failure to return Town property may result in legal action against the employee/volunteer.

Employees/volunteers may not use the telephone facilities for personal calls when the placing of such calls would interfere with the employee's/volunteer's duties, would incur additional financial liability for the Town or would interfere with the use of the facility for official business. Any such use should be urgent, infrequent and of short duration. Similarly, use of private cell phones shall be kept to an absolute minimum during working hours and while on Town premises and may not be used in such a way as to interfere unreasonably with Town operations or impose on other Town employees or officials in the conduct of their Town business or unreasonably bother members of the public on Town business.

7.12 Solicitation: No employee shall engage in any business other than regular duties of the Town during working time, including such activities as selling to fellow employees, lending of money for profit, etc. With the exception of Town-approved activities, no solicitation of any kind is permitted on Town premises during working time. Working time includes the working time of both the employee, and the employee to whom such activity is directed.

7.13 Political Activity: No Town employee shall participate in any political activity (including lobbying), that would be in conflict, incompatible or create an interference with the performance of his or her official functions and duties for the Town. During the course of their employment, employees shall refrain from using their influence publicly in any way for or against any candidate seeking elective office in the Town government. Town employees shall not work at the polls in support of any political purpose pertaining to the Town government, circulate petitions or campaign literature for elective Town officials, or be in any way involved with soliciting or receiving subscriptions, contributions or political service from any person for any political purpose pertaining to Town government; provided, however, this rule is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, from attending political meetings, from expressing their views on political matters, or from voting with complete freedom in any municipal, state or national election.

7.14 Internet Policy: Electronic mail, Internet and telecommunication access are made available to town employees to communicate with each other, other governmental entities, companies and individuals for the benefit of the Town. The system is Town property and intended for Town business. The system is not to be used for employee personal gain or to support or to advocate for non-Town related business or purposes. All use of the Internet must be in compliance with all applicable laws and policies

(federal, state and local, in addition to Town policies). Internet access via Town resources, therefore must not be used for illegal purposes.

Agency Rights Pursuant to the Electronic Communications Privacy Act of 1986 (18 USC 2510) notice is hereby given that there are NO facilities provided by this system for sending or receiving private or confidential electronic communications. System administrators have access to ALL mail and user requests, and will monitor messages as necessary to assure efficient performance and appropriate use. Messages relating to or in support of illegal activities will be reported to appropriate authorities. Each individual user is responsible for complying with this and all other relevant policies when using the Town's resources for accessing the Internet. Use of these same resources in violation of this policy or of applicable department policies is grounds for disciplinary action. The use of the Internet for personal enjoyment, such as game playing is also prohibited. This behavior is also grounds for disciplinary action.

ARTICLE VIII – EMPLOYEE DISCIPLINE AND GRIEVANCE PROCEDURES

8.1 Employee / Volunteer Discipline:

Disciplinary action up to and including dismissal may be initiated for reasons that include, but are not limited to, the following:

- Absenteeism and/or tardiness
- Insubordination
- Unacceptable job performance
- Use of alcohol and/or non-prescriptive drugs during the work day or in any way which impairs the performance of the position
- Willful destruction of public and/or private property
- Falsification of documents, concerning the employee's application to the Town, payroll or other departmental operations
- Harassing behavior including obscene language directed at employees, volunteers or the public
- Failure to comply with safety regulations and requirements
- Dishonesty of any kind or theft of Town, public or private property
- Acceptance of money or gift by an employee/volunteer for any consideration afforded to the public, in general
- Any other action or conduct materially affecting or impairing the efficiency of Town services or that brings the Town in public dispute or embarrassment

The disciplinary process may include, but is not limited to the following procedures:

- a.) **Verbal Warning:** The Fire Chief, or, in the case of the Fire Chief as employee, the Fire Commission, may verbally warn an employee/volunteer to improve specific performance issues or to rectify specific conduct. The date, time and nature of the warning shall be noted in the employee's personnel file. When possible, warnings should be given within two (2) days of the knowledge of the offense. The Town reserves the right to move to a written warning, suspension or termination depending on the seriousness of the situation.
- b.) **Written Reprimand:** The Fire Chief, or, in the case of the Fire Chief as employee, the Fire Commission, may give a written reprimand to an employee/volunteer for a repeated offense, or for an offense serious enough to require more than a verbal warning.

A reprimand will include the nature of the offense, date and time of the offense, possibility of future disciplinary action and steps for correction of the action. A copy of the reprimand signed by the Fire Chief or Fire Commission and the employee/volunteer will be placed in the employee/volunteer personnel file. If the employee/volunteer refuses to sign the reprimand, this fact should be noted and witnessed on the reprimand. The Town reserves the right to move to suspension or termination depending on the seriousness of the situation.

- c.) **Suspension:** The Fire Chief may recommend to the Fire Commission, or, in the case of the Fire Chief as employee, the Fire Commission may recommend to the Boards of Selectmen of the Towns of Lyman and Dayton, that an employee/volunteer be suspended with or without pay for a recurring offense or an offense that merits suspension, and the Fire Commission or Boards of Selectmen, as applicable, may suspend such an employee. Suspensions will be consistent with FLSA requirements. The Town reserves the right to move to termination depending on the seriousness of the situation.

The initial disciplinary/removal authority shall notify the employee of the reasons for the suspension and effective date thereof in writing and have a meeting with the employee about the charges. The employee/volunteer shall have an opportunity to respond to the charges 1) at the meeting between the employee/volunteer and the initial disciplinary/removal authority held to discuss the reasons for the suspension recommendation and at 2) the meeting at which the final disciplinary/removal authority (i.e., the Fire Commission or Boards of Selectmen, as applicable) takes action on the recommendation. The employee may invoke grievance procedure set forth in 8.2 during this process.

The employee/volunteer will have the opportunity to respond to the charges prior to serving the suspension unless the employee's/volunteer's actions are a threat to self or others and require immediate removal.

Employees / volunteers will receive confirmation of their suspension period and the necessary corrective steps. The length of suspension is based on the seriousness of the offense and what the disciplining authority may determine is warranted. Employees/volunteers will be warned of the potential for more serious disciplinary action or dismissal in the event of further offenses. A copy of the letter of suspension will be included in the employee's / volunteer's personnel file. Suspension with or without pay may occur for an indefinite period pending complete investigation of the incident or offense.

- d.) **Dismissal:** The dismissal of any Joint Fire-Rescue Department employee/volunteer shall be governed by the Interlocal Agreement.

The Interlocal Agreement provides for the following dismissal procedures:

- **Fire Chief.** The Fire Commission shall recommend the removal, for cause, of the Fire Chief to the Boards of Selectmen of the Towns of Lyman and Dayton, which bodies may take action to terminate the Fire Chief's employment.
- **Firefighters and Emergency-Rescue Personnel.** The Fire Chief may recommend the removal of any firefighter or emergency-rescue employee to the Fire Commission, which body may take action to terminate any such employment for cause.
- **Employees who are Not Firefighters or Emergency-Rescue Personnel.** The Fire Chief may discharge employees who are not firefighters or emergency-rescue personnel.

The initial disciplinary/removal authority shall notify the employee of the reasons for the dismissal and effective date thereof in writing and have a meeting with the employee about the charges. The employee's/volunteer's shall have an opportunity to respond to the charges 1) at the meeting between the employee/volunteer and the initial disciplinary/removal authority held to discuss the reasons for the dismissal recommendation and 2) at the meeting at which the final disciplinary/removal authority (i.e., the Fire Chief, Fire Commission or Boards of Selectmen, as applicable) takes action on the recommendation. The employee may invoke grievance procedure set forth in 8.2 during this process.

- e.) **Volunteers.** Given the nature of volunteer status, the Town reserves the right to alter the procedures contained in this policy when dealing with volunteers.

8.2 Grievance Procedure: The term "grievance" means any dispute between an employee and management concerning the effect, interpretation, application or claim of breach or violation of the Town's Fire-Rescue Personnel Policy.

Excluded from consideration of grievance are those matters pertaining to: hiring, promotion of personnel, and compensation adjustments, except that employees working at least twenty-eight (28) hours per week on a year-round basis as provided in Sections 3.1 and 3.2 above, may appeal performance evaluations. Grievances for suspensions and dismissals may be combined with the process of the final suspension or removal authority taking action on the recommendation of the initial authority as provided above. For example, if the Fire Chief recommends that a firefighter be removed, the employee can grieve that recommendation to the Fire Commission, which shall consider the grievance when it makes the final decision on the recommendation of the Fire Chief.

Every attempt should be made to resolve any dispute as soon as possible to the satisfaction of all parties

Steps in the grievance procedure shall be as follows:

- 1) An attempt should be made for an oral agreement between the individual and the initial disciplinary/removal authority.
- 2) If an oral agreement is not reached, the aggrieved may within five (5) working days file a written complaint with the initial disciplinary/removal authority. That authority is required to make a determination of the merits of the complaint and give a written reply within three (3) working days.
- 3) If the individual is dissatisfied with the written decision of the initial disciplinary/removal authority, the aggrieved may, within three (3) working days, make a formal written appeal to either the Fire Commission or, in the case of the Fire Chief as employee, the Boards of Selectmen. Upon receipt of the written appeal, the Fire Commission or the Boards of Selectmen, as applicable, in the case of discipline that is not a suspension or dismissal shall return a formal written decision within three (3) working days. In the case of suspensions or removals, the Fire Commission or the Boards of Selectmen, as applicable, shall hold a meeting with the employee (unless the employee declines), after which such body(ies) shall return a formal written decision within three (3) working days of such meeting. In all cases the decision of the Boards of Selectmen (in the case of the Fire Chief) and the Fire Commission (in the case of all other employees) shall be final and binding.

- 8.3 Notice of Resignation:** An employee may resign from Town service in "good standing." "Good standing" shall mean the submittal of a written notice 14 calendar days in advance of the last day of actual work. Failure of a resigning employee to comply with this rule may be cause for denying future employment with the Town. The Fire Chief or Fire Commission, as applicable, may permit a shorter period of notice if extenuating circumstances exist. The resignation should be accompanied by a statement by the Department Head as to the resigning employee's service performance and pertinent information concerning the cause of resignation. The effective date of the employee's termination with the Town is considered to be the last day actually worked.

Upon separation from service in "good standing," the Town shall pay all wages owed as well as earned and/or pro-rated vacation pay and accumulated sick time due to the employee in accordance with the Sick Leave Section of the Personnel Policy, if any on the next regular pay day.

ARTICLE IX – EARNED BENEFITS

- 9.1 Holidays:** Holiday pay is earned from the first day of employment for full-time employees.

As used herein, the term "holiday" shall refer to weekdays that are officially observed holidays for state employees, as set forth by the Maine Department of Administrative and Financial Services, Bureau of Human Resources.

All full-time employees, who have served at least thirty (30) days prior to the holiday, shall be entitled to holiday pay for the following days:

- New Year's Day
- Martin Luther King Jr. Day
- Washington's Birthday (President's Day)
- Patriot's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- Christmas Day

9.2 Vacation: Vacation privileges are available to full time employees. Vacation pay will be consistent with the average hours worked (i.e., an employee averaging fifty two (52) hours per week would get vacation pay for fifty two (52) hours for each week of vacation taken.

A.) Accrual Schedule: Full-time employees shall earn annual vacation pay on the following basis:

<u>YEARS OF SERVICE</u>	<u>ACCUMULATION</u>
1 year through 2 years	1 week
Begin 3 rd year through 5 years	2 weeks
Begin 6 th year through 9 years	3 weeks
Begin 10 th year through 19 th year	4 weeks
Over 20 years	5 weeks

NOTE: UNDER NO CIRCUMSTANCES WILL PAID VACATIONS BE GRANTED BEFORE THE END OF THE FIRST FISCAL YEAR OF EMPLOYEE SERVICE.

B.) Employees are required to take vacation days in the fiscal year that they are accrued and shall be granted at times agreeable to the Fire Chief.

A maximum of five (5) unused vacation days shall be paid at the end of the fiscal year in which they were accrued. Vacation days may not be carried over to the next fiscal year.

Separation: Upon separation in good standing, an employee is entitled to the proportionate amount of annual vacation time due him/her according to the accrual schedule.

9.3 Sick Leave/Personal Days: Sick pay privileges are available to full-time employees, as provided in Section 3.1 above. Sick leave uses are to include personal illness, doctor or dentist appointments, non-work related injury and serious illness in the immediate family.

Sick Leave / Personal Leave pay are only available to employees that have completed their probationary period as defined in Article 2.8.

A. Accrual: Sick pay for full-time employees shall accrue at the rate of one (1) work day for each calendar month; accumulative to a maximum of twelve (12) working days

provided the employee has worked each month. Unused sick leave will be able to accrue up to a maximum of sixty (60) work days. For full-time employees who retire with ten years of service, 50 % pay will be granted for unused sick leave. For full-time employees who retire with twenty years of service, 100 % pay will be granted for unused sick leave.

- B. Absences:** After three (3) consecutive days of sick time, the Fire Chief or Fire Commission, as applicable, may require a certificate from a qualified physician to justify continued absence and / or return to work. The Town may request a physician(s) letter(s) certifying "fitness for duty" prior to an employee's return to work after an extended or serious medical/psychiatric leave or where a "safety" issue presents itself. Employees who are found to abuse or fraudulently use sick leave will be subject to disciplinary action up to and including termination.

If an employee is absent from work, accrued sick time and/or vacation time must be used. Employees may be allowed to take unpaid leave when approved by the Fire Chief and Fire Commission, as applicable, where accrued paid leave has been exhausted and as otherwise provided by law.

- 9.4 Retirement Plan:** Full-time employees are eligible to participate in a 457(b) retirement plan. The Town matches up to 2.5 % of gross wages. An employee has to pass his or her six (6) month probationary period to become eligible; open enrollment is January and July.

ARTICLE X – INSURANCES

- 10.1 Hospital, Surgical and Major Medical Insurance:** The Town participates in the Maine Municipal Employees Health Trust. The Town pays 100 % of the single-subscriber for eligible employees. Eligible employees include full-time employees. Full Time employees of the Joint Fire-Rescue Department shall have access to the same level of dental insurance coverage as other Town employees.
- 10.2 Dental Insurance:** The Town participates in the Maine Municipal Employees' Health Trust. The Town pays the cost of the single subscriber for full-time employees. Full Time employees of the Joint Fire-Rescue Department shall have access to the same level of dental insurance coverage as other Town employees.
- 10.3 Income Protection:** An income protection plan is available for full time employees. The amount of income protection insurance available is 40%, 55% and 70% of employee's salary. Cost of this coverage is at the expense of the employee.

ARTICLE XI – OTHER BENEFITS

Unless otherwise mandated by law, these benefits are available to full-time employees only.

11.1 Worker's Compensation: The Town of Lyman provides Worker's Compensation Insurance coverage for all employees. When an on-the-job accident occurs, the affected employee is to report it immediately to the Fire Chief or to his/her designee. The Department Head shall notify the Selectmen's Office immediately of the injury so that any necessary accident and injury reports may be completed. Such reports are necessary to comply with laws and initiate Worker's Compensation benefits.

11.2 Social Security: The Town participates jointly with employees in Social Security payments. Benefits provided include a retirement feature, survivor's benefits payment if death occurs before retirement, disability insurance and Medicare coverage.

11.3 Unemployment Compensation: The Town provides unemployment compensation benefits to employees in accordance with State and Federal law.

11.4 Bereavement Leave: Any full time employee may be excused from work for 1) up to five (5) days because of the death of his/her spouse or children and/or 2) up to three (3) days because of a death in his/her immediate family. The employee shall be paid his/her regular rate of pay for the scheduled work hours missed. It is intended that his/her time off be used for the purpose of handling necessary arrangements and attendance of the funeral. One (1) workday may be granted without pay to employees at the discretion of the board of selectmen for attendance at funerals of persons not covered above.

Immediate family includes: parents, brothers, sisters, mothers-in-law, fathers-in-law, sisters-in-law, brothers-in-law, grandparents, grandchildren, step-parents or other relatives living in the same household with the employee.

11.5 Jury Duty: Any full-time employee, as provided in Sections 3.1 above, will be granted special leave, as required, for jury duty or performance of other civic duty requiring appearance in court or before another public body. The employee shall be paid the difference (if any) in compensation between the amount received from the rendering of such service and his or her regular rate of pay, if the service occurs during a workday.

Time paid for Jury Service shall not be counted as time worked for purposes of overtime computation. These provisions shall apply only to employees who have completed their probation period and who give notice of such absence.

11.6 Reimbursement of Expenses: Employees shall be reimbursed for reasonable and authorized expenses incurred while carrying out Town business.

11.7 Personal Leave: Up to four (4) accumulated sick days per fiscal year can be used by any full-time employee as provided in Sections 3.1 above, for personal leave upon prior approval with his/her department head. The Fire Chief may grant an employee of regular standing a leave of absence without pay, with such leave not to exceed one year in length. The granting of the leave shall protect the employee's existing continuous service for the leave period but shall not accrue vacation or sick leave during the absence, nor will the employee receive pay for Town holidays.

11.8 Family Medical Leave: Any employee who has been employed by the Town of Lyman for 12 months (this does not need to be consecutive) and who has worked at least 1,250 hours during the year preceding the start of the leave is entitled to a family medical leave of up to twelve (12) weeks per year for 1) the birth and care of a newborn child of the employee; 2) for placement of a child into the employee's family by adoption or by a foster care arrangement; 3) care of the employee's spouse, child or parent who has a serious health condition; 4) inability of the employee to perform the functions of the employee's position due to a serious health condition; or 5) for qualifying exigencies arising out of the fact that the employee's spouse, child or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

Employees who have worked for twelve (12) months but less than 1,250 hours during the past year and are not eligible for federal family medical leave, may be eligible for a ten-week family medical leave pursuant to the Maine Family and Medical Leave Act.

The twelve (12)-month period during which the twelve weeks of family medical leave may be taken is measured forward from the date an employee's first family medical leave begins, and the next 12-month period would begin the first time family medical leave is taken after completion of any previous 12-month period.

- (a) To be eligible for a family medical leave, the employee must give at least 30 days notice of the intended date upon which family medical leave will commence and terminate, unless the employee is prevented from giving notice because of a medical emergency. The employee requesting family medical leave must do so on a preprinted form available in the Selectmen Clerk's office.
- (b) The Town may require certification from a physician to verify the amount of leave requested by the employee.
- (c) Family medical leave is without pay. If the employee is enrolled in group medical insurance prior to utilizing unpaid leave, the Town of Lyman will pay for the

employer's share of the medical insurance premium for the period of the unpaid family medical leave; said period not to exceed twelve (12) weeks. The employee's share of medical insurance, life insurance, income protection and retirement benefits will continue during the period of unpaid leave at the cost of the employee.

- (d) The employee may use accrued holiday, vacation, and sick leave in accordance with the policies concerning such leaves, to cover absences related to family medical leave; however, the total amount of family medical leave may not exceed twelve (12) weeks.
- (e) Vacation, sick leave and holidays do not accrue during an unpaid leave period.
- (f) Upon the end of the family medical leave, an employee will be restored to the position occupied by the employee immediately prior to the commencement of the leave or to an equivalent position with the same employee benefits and pay as existed immediately prior to the commencement of the leave, except in the event of conditions unrelated to the employee's taking of a family medical leave which prevent the restoration to the same or equivalent position.
- (g) An employee should return to work from the family medical leave no later than the first working day following the expiration of the leave. If the employee has not returned at the expiration of the leave, his/her termination date will be the last day she/he was entitled to group coverage.
- (h) An employee may take leave on an intermittent basis or by working a reduced schedule with prior written approval by the Fire Chief.

Towns:

Lyman: -

Dayton: -

By: Leo Ruel

Leo Ruel, Selectman

By: Theodore Poirier

Theodore Poirier, Selectman

By: Steven B. Marble

Steven B. Marble, Selectman

By: Scott Littlefield

Scott Littlefield, Selectman

By: Michael Polakewich

Michael Polakewich, Selectman